REMARKS

Reconsideration and allowance of the subject patent application are respectfully requested.

The subject patent application claims priority to Japanese Application Nos. 2001-28384 and 2001-335259, filed on February 5, 2001 and Ocober 31, 2001, respectively. Acknowledgment of these priority claims and of receipt of the certified copies of these applications (which were previously submitted on December 10, 2001) are respectfully requested.

Claims 1-4, 8, 10-19, 27 and 31-33 were rejected under 35 U.S.C. Section 102(e) as allegedly being "anticipated" by Joao (U.S. Patent No. 6,549,130). Because of the significant differences between Joao and the rejected claims, Applicants do not acquiesce in this rejection in any way. Nonetheless, claims 1-4, 8, 10-19, 27 and 31-33 have been amended for reasons unrelated to patentability in order to improve their form. As such, the discussion below makes reference to the amended claims.

Each of independent claims 1, 2, 16, 17 and 32 calls for an electric device possessed by a passenger of a vehicle. By way of example without limitation, the vehicle may be a train, a bus, a monorail, an aircraft, a vessel, etc. If electronic ticket information from the electric device indicates that the passenger has a right to use the vehicle (e.g., by paying an appropriate fare), the electric device is connected to a server (provided in the vehicle) to enable communication therebetween in the vehicle. As described in the subject patent application, by allowing only electric devices of passengers having a right to use the vehicle to connect to a server in the vehicle, for example, the server bandwidth can be used more efficiently.

Each of independent claims 10, 12, 13 and 33 call for an electric device possessed by a passenger of a vehicle. If electronic ticket information from the electric device indicates that the passenger has a right to use the vehicle, the electric device is connected to an inside-vehicle communication apparatus to enable communication therebetween in the vehicle.

Each of independent claims 18 and 19 calls for an information communication terminal in a vehicle.

By way of illustration without limitation, the specification of the subject application describes:

> ...the user sits on the seat (specified seat in a car) 2 which was specified in advance by the electric ticket information, which functions also as a passenger ticket. Further, the user side (controlling section 6) transmits "request for connection" to the server side (managing section 15) according to a predetermined operation of the user ...
>
> Next, the server side receives the "request for connection" and transmits "request for electric ticket information"...the server side confirms whether the electric ticket information transmitted from the user is appropriate or not ...
>
> ...Further, the server side allows the electric device 3 possessed by the user to be connected to the vehicle common server 4...

Specification, page 27, line 9 to page 28, line 19.

Applicants respectfully submit that Joao bears little or no relationship to the claimed systems, methods, programs, recording media and apparatus involved in providing communication capabilities for passengers in a vehicle who possess electric devices, much less to the providing of such capabilities based, for example without limitation, on whether the communication devices include so-called "electronic ticket information" indicative of whether a passenger has a right to use the vehicle.

Joao is directed to anti-theft and/or theft-deterrent systems for vehicles, marine vessels and vehicles, aircraft and recreational vehicles, as well as for residential premises and/or for commercial premises. Joao, col. 3, lines 11-15. The system is described as including a transmitter, a receiver and a controller (CPU). The transmitter transmits a signal in response to an authorized user or operator, e.g., when a vehicle is stolen. The receiver receives the signal and supplies it to the controller. The controller is electrically connected to certain vehicle components such as an ignition system, a fuel system and the like which can thereby controlled in accordance with the received signal. Thus, "[i]n the case where the motor vehicle has been stolen, and the authorized user or operator wants to prevent and/or thwart the theft of the vehicle and recover the vehicle, the command code which may be entered may be a vehicle disable command code (disable code) which will disable the vehicle and activate the vehicle position and/or locating device." Col. 6, lines 36-42.

Joao does not disclose an inside-vehicle communication system, method, etc. For example, the portable transceiver, which the office action equates to the claimed "electric device", is not possessed by a passenger of a vehicle as is the electric device specified in claims 1, 2, 10, 12, 13, 16, 17, 32 and 33 and is not in the vehicle as is the information communication terminal specified in claims 18 and 19. In fact, Joao expressly describes the portable transceiver as being remote (i.e., external) from the vehicle:

> The transmitter system is a remote system, which may or may not be physically connected to the remainder of the apparatus. Further, the transmitter system is not located in the vehicle, motor vehicle, marine vessel or vehicle, aircraft, recreational vehicle, residential premises and/or commercial premises, but rather is located external from, and/or separate and apart from, the vehicle. Joao, col. 3, lines 32-38 (emphasis added).

Consequently, Joao expressly teaches away from the transceiver being possessed by a passenger of a vehicle, or being located in the vehicle, and for this reason alone Joao cannot anticipate claims 1-4, 8, 10-19, 27 and 31-33. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) ("A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.")

The claims contain numerous other features not disclosed in Joao.

By way of example, claims 1, 2, 16, 17, 18, 19, 31 and 32 all call for a server. The office action equates the receiver of the Joao system to the "server" recited in various claims. 9/23/2005 Office Action, page 2 ("Joao discloses ... 'a receiver' that is equivalent to 'a server.'") While the USPTO may use the broadest, reasonable interpretation of claim terms during prosecution, Applicants respectfully submit that the receiver of Joao cannot fairly be viewed as a "server", nor would this receiver be viewed as a server, or an equivalent thereto, by one of ordinary skill in the art. For these additional and independent reasons, claims 1, 2, 16, 17, 18, 19, 31 and 32 and the claims that depend therefrom cannot be anticipated by Joao.

By way of further example, claims 1, 2, 10, 12, 13, 16, 17, 32 and 33 call for the electric device to be connected to a server or an inside-vehicle information communication apparatus based on whether a passenger has a right to use the vehicle. Joao simply discloses sending incoming instructional signals to a CPU. There is no disclosure whatsoever of basing a

connection to a server or an inside-vehicle information communication apparatus based on a passenger's right to use a vehicle. For these additional and independent reasons, claims 1, 2, 10, 12, 13, 16, 17, 32 and 33 and the claims that depend therefrom cannot be anticipated by Joao.

By way of still further example, claim 19 describes a system that involves interactions among a server, an information communication terminal possessed by a passenger of a vehicle and an information communication apparatus outside the vehicle. Joao does not disclose an arrangement of such components and thus cannot disclose the interactions thereamong as set forth in claim 19. For these additional and independent reasons, claim 19 cannot be anticipated by Joao.

For at least these reasons, Applicant respectfully submits that Joao does not anticipate claims 1-4, 8, 10-19, 27 and 31-33.

Claims 23 and 24 were rejected under 35 U.S.C. Section 102(e) as allegedly being "anticipated" by Goldman et al. (U.S. Patent No. 6,430,488). Goldman et al. describes combining electronic vehicle components with a storage device and a controller to provide a "vehicle network" that enables operator specific settings to be provided for each of a set of vehicle operators. However, the "vehicle network" of Goldman et al. does not involve a server and an information terminal in a vehicle as specified in claims 23 and 24.

Moreover, Goldman et al. is silent with respect to the issuing of an information recording medium storing a using condition, the reading of a using condition from an information recording medium, the checking of a using condition and recording of information in a recording medium based thereon. For example, claim 23 calls for a checking section for checking a second using condition with a third using condition read from a second recording medium and recording a first using condition on a first recording medium based on the checking. In connection with this feature, the office action states that "Goldman disclose (sic) vehicle controller implements setting records in a storage device" and "...[t]he settings could be customized by the owner of vehicle via entering commands into the storage device." 9/23/2005 Office Action, page 8. It is not apparent how this characterization of Goldman, even if correct, could be viewed as providing a disclosure of the claimed checking and recording and Applicant respectfully submits that it does not.

Consequently, for at least these reasons, Applicants respectfully submit that Goldman et al. cannot anticipate claims 23 and 24.

Claims 20-22 were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over Joao in view of Sehr (U.S. Patent No. 6,910,628). Among other things, Sehr fails to remedy the deficiencies of Joao with respect to claims 18 and 19, from which claims 20-22 depend. Consequently, even if these documents were forcedly combined as proposed in the office action, the subject matter of claims 20-22 would not have resulted. As such, these claims are believed to distinguish over the proposed combination because of their dependencies and because of the additional patentable features contained therein.

Claims 25 and 26 were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over Joao in view of McDonald (U.S. Patent No. 5,633,621). McDonald discloses an evacuation assistance locator and at least fails to remedy the deficiencies of Joao in connection with claim 18, from which claims 25 and 26 depend. Consequently, even if these documents were forcedly combined as proposed in the office action, the subject matter of claims 25 and 26 would not have resulted. As such, these claims are believed to distinguish over the proposed combination because of their dependencies and because of the additional patentable features contained therein.

Claims 5-7, 9 and 28-30 were rejected under 35 U.S.C. Section 103(a) as allegedly being "obvious" over Joao in view of Goldman et al. Goldman et al. at least fails to remedy the deficiencies of Joao with respect to the claims from which claims 5-7, 9 and 28-30. Consequently, even if these documents were forcedly combined as proposed in the office action, the subject matter of claims 5-7, 9 and 28-30 would not have resulted. As such, these claims are believed to distinguish over the proposed combination because of their dependencies and because of the additional patentable features contained therein.

By way of example, the disclosure in Goldman et al. relating to restricted driving locations is cited in connection with claims 5, 6, 7 and 9. However, Applicants respectfully submit that restricted driving locations have nothing to do with a time and/or geographical range in which a server can be used as specified in claim 5.

New claims 34 and 35 have been added. The subject matter of these new claims is fully supported by the original disclosure and no new matter is added. Applicants respectfully submit

that these claims describe in-vehicle information communication methods not disclosed or suggested by the applied documents.

The pending claims are believed to be allowable and favorable office action is respectfully requested.

Respectfully submitted,

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